

REMARKS

Claims 1-4, 7-18, 21-30, 33-55, 58-62 and 65-76 were pending, with Claims 72-76 withdrawn.

Claim Rejections/Objections

Claims 1-4, 7-11, 13-18, 21-23, 25-30, 33-43, 45-55, 58-62, 65-68 and 70-71 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sako et al., and further in view of Tozaki.

Claims 12, 24, 44 and 69 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sako et al. and Tozaki further in view of Quan.

In the Office Action beginning at page 4 near the bottom, the Examiner stated in pertinent part:

Claims 1 and 15 differ from Sako in that the claim further requires an indication of how long to allow subsequent digital storage wherein the indication of how long to allow subsequent digital storage is a watermark located in the modified analog video signal including an encoded number of a digital storage duration units.

In the same field of endeavor Tozaki teaches converting digital audio and video signal to analog video and audio signal... The output signal includes PCI data, presentation control information, where the audio copy information and video copy information is located (see figure 4 CV/CA=00, COPY PROHIBITED, CV/CA = 01 COPY PERMITTED ONLY ONCE, CV/CA=10 RESERVED, CV/CA=11 COPY PERMITTED FOR UNLIMITED TIMES)... Therefore in light of the teaching in Tozaki it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako by adding a watermark on analog signal in order to protect the content from illegal duplicating by adding PCI information together with the audio and video data.

References

The Examiner's analysis of Tozaki is that Figure 4 teaches "copy permitted for unlimited times" as a state, and that meets in Claim 1 "an indication of how long to allow subsequent digital storage; wherein the indication of how long to allow subsequent digital storage is a watermark located in the modified analog video signal including an encoded number of digital storage duration units."

First, it is pointed out that Tozaki (U.S. patent 5,729,516) claims foreign priority to Japanese application 08-055519. The language in Tozaki is somewhat awkward or even inadequate presumably due to a poor translation. Specifically, Figure 4 says "copy permitted for unlimited times." This is improper English grammar and also ambiguous. This phrase is repeated at Tozaki column 3, line 38: "a second individual copy information piece indicating that the recorded information piece is copy-permitted for unlimited times." This phrase is also repeated at column 9, line 51; however there the explanation is slightly clearer. See column 9, beginning at line 48: "It is noted that "copy permitted" in the copy flag CF1 includes the case in which the copy is permitted only once and the case in which the copy is permitted for unlimited times. The limitation of the times of copying is prescribed by the video copy information and the audio copy information which will be described later in detail." (Emphasis added.)

This is repeated at Tozaki column 10, line 47: "Further, if the video copy information CV is "11", it means that copy of all video data within the VOB 30, to which the video copy information CV belongs, to other recording medium is permitted for unlimited times."

Again this is ambiguous. Applicant obtained a machine translation of the Japanese patent priority document of Tozaki, which is Japanese patent publication H09-245438, application number 08-055159, which corresponds to the above referenced foreign priority data on the face page of Tozaki U.S. 5,729,516.

The relevant paragraphs of that translation corresponding to the two above quoted portions of Tozaki U.S. 5,729,516 at columns 9 and 10 are respectively paragraphs 49 and 53 in the

Japanese patent publication. The machine translation of these (obtained from the Japanese Patent Office IPDL database) translates paragraph 49, which corresponds to Tozaki column 9 beginning line 48, as follows:

It is specified as “copy permission” in copy flag CF1 as what includes in both cases of the ability to restrict and copy to the case where it can copy to the number of times without restriction, and one time.”

The translation of the Japanese patent document paragraph 53 corresponding to Tozaki column 10, line 47 is:

When video copy information value flow coefficient is “11”, the copy to other recording media means that permission is granted to the number of times without restriction about the video data in the VOB unit 30 in which the video copy information concerned belongs.”
(Emphasis added.)

In this much clearer translation the phrase in Tozaki U.S. 5,729,516 “the copy is permitted for unlimited times” is instead “it can copy to the number of times without restriction”. In other words one can make as many (serial) copies as one wants. Tozaki is referring to serial copy management in which there is a limitation on the number of copies which can be made serially. See Tozaki referring to “the serial copy management system” (SCMS) at column 1, lines 37-50. The codes for the SCMS in column 1 of Tozaki at line 45 are the same as in Figure 4, and are “00: copy prohibited, 01: copy permitted only once, 10: Reserved, 11: copy permitted.” Thus Tozaki Figure 4 refers to a serial copy management system, as does companion Figure 3.

Therefore Tozaki teaches here a serial copy management system specifying copy prohibited, copy permitted only once, or copy permitted an unlimited number of times.

Further, Tozaki does not disclose any possibility of limiting copies to a specific number other than one; copying is permitted once or an unlimited number of times. The other interpretation of code 01 in Figure 3 is that copying is partially prohibited, see column 9, line 33 “The copy flag CF1 of “01” indicates that the copy is partially prohibited. Namely, some portions of the information under the management by the video manager 2 are permitted to be copied to other

recording medium, and the other portions are prohibited to be copied.” So this indicates no copying at all of these portions.

In any case there is no indication in Tozaki of (1) limiting the duration of storage (not the same as number of copies) or (2) specifying the duration of storage as a number of storage units that expresses the total time that a particular file or signal can be stored.

Rejections Traversed

Therefore all rejections are traversed on the grounds that Tozaki does not, even in combination with Sako et al., meet the claims. Exemplary Claim 1 recites in its final two clauses “an indication of how long to allow subsequent digital storage; wherein the indication of how long to allow subsequent digital storage is a watermark located in the modified analog video signal including an encoded number of digital storage duration units.”

First, in Tozaki as explained above, there is no disclosure of “digital storage duration units.” There is nothing about “storage” or “duration” in Tozaki. Instead he allows copying once or many times without any indication of digital storage duration.

Second, Tozaki does not disclose any indication of “how long to allow subsequent digital storage.” He merely limits the number of (serial) copies that can be made. Each such copy would have indefinite duration since there is no indication they have any expiration date or time.

Therefore Tozaki addresses a different technical problem than storage duration, which is whether to permit serial recording (copying) or not and if so, how many times. He does so with only two states: one state allows one recording and the other allows an unlimited number of serial recordings. However, there is no indication there is any concern in Tozaki with “digital storage duration”, that is how long any one digital copy may be allowed to persist. In contrast, in accordance with Claim 1 there is no limitation of the number of serial copies. Instead, one always can make an unlimited number of serial copies, but all such copies would be allowed to have an

existence (duration) in digital storage of only a specified length of time, such as one week. So, all the copies would expire simultaneously at the end of one week.

Further of course Tozaki does not disclose anything about a “number of digital storage duration units” as in Claim 1, first because he is not concerned with digital storage duration, and second because he has no disclosure of units of time.

For at least for these two reasons, Claim 1 distinguishes over the references cited in the rejection, and so it is respectfully pointed out that the rejection is not supported by the cited references and is traversed. It is requested therefore that the rejection of Claim 1 be withdrawn.

Each of the other pending independent claims recites similar subject matter as Claim 1 with regard to the subsequent digital storage and the number of digital storage duration units, and therefore distinguishes over the references for at least the same reasons as Claim 1.

The dependent claims are each allowable for at least the same reasons as their respective base claims.

CONCLUSION

In view of the above, all presently pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Attorney Docket No. 136922003400**.

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Respectfully submitted

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